

1 PILLSBURY WINTHROP SHAW PITTMAN LLP  
2 BRUCE A. ERICSON #76342  
3 DAVID L. ANDERSON #149604  
4 JACOB R. SORENSEN #209134  
5 MARC H. AXELBAUM #209855  
6 DANIEL J. RICHERT #232208  
7 50 Fremont Street  
8 Post Office Box 7880  
9 San Francisco, CA 94120-7880  
10 Telephone: (415) 983-1000  
11 Facsimile: (415) 983-1200  
12 Email: bruce.ericson@pillsburylaw.com  
13 SIDLEY AUSTIN LLP  
14 DAVID W. CARPENTER (admitted *pro hac vice*)  
15 DAVID L. LAWSON (admitted *pro hac vice*)  
16 BRADFORD A. BERENSON (admitted *pro hac vice*)  
17 EDWARD R. McNICHOLAS (admitted *pro hac vice*)  
18 1501 K Street, N.W.  
19 Washington, D.C. 20005  
20 Telephone: (202) 736-8010  
21 Facsimile: (202) 736-8711  
22 Attorneys for Defendants  
23 AT&T CORP. and AT&T INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

18 TASH HEPTING, GREGORY HICKS,  
19 CAROLYN JEWEL and ERIK KNUTZEN  
on Behalf of Themselves and All Others  
Similarly Situated.

### **Plaintiffs.**

VS.

22 AT&T CORP., AT&T INC. and DOES 1-20,  
23 inclusive.

#### Defendants.

No. C-06-0672-VRW

**DECLARATION OF BRUCE A.  
ERICSON IN SUPPORT OF  
DEFENDANT AT&T CORP.'S  
MEMORANDUM IN OPPOSITION  
TO MOTION FOR LEAVE TO  
INTERVENE AND MOTION TO  
UNSEAL DOCUMENTS**

Courtroom: 6, 17th Floor  
Judge: Hon. Vaughn R. Walker  
Hearing: June 23, 2006  
Time: 9:30 a.m.

1           I, **BRUCE A. ERICSON**, declare as follows:

2           1.       I am an attorney licensed to practice law in the State of California and  
3 admitted to practice before this Court, and am a partner of the law firm of Pillsbury  
4 Winthrop Shaw Pittman LLP, counsel for defendant **AT&T CORP.** (“AT&T”) and also for  
5 specially appearing defendant **AT&T INC.** (AT&T and AT&T Inc. are collectively  
6 referred to as the “Defendants”). Except for those matters stated on information and belief,  
7 which I believe to be true, I have personal knowledge of the facts stated herein and, if  
8 called as a witness, I could and would competently testify thereto.

9           2.       On May 22, 2006, *USA Today* published on its website an article entitled  
10 “Documents on Website Purport to Show AT&T Role in Net Spying.” This article contains  
11 a link that directs readers to a 29-page document that includes a purported statement from  
12 former AT&T employee Mark Klein and several AT&T confidential and proprietary  
13 documents. A true and correct copy of the article is attached hereto as Exhibit A.

14           3.       On its website, the Electronic Frontier Foundation (“EFF”) notes that its  
15 goals include “defending free speech, privacy . . . on behalf of consumers and the general  
16 public.” A true and correct copy of a print-out from the EFF website is attached hereto as  
17 Exhibit B.

18           4.       On April 29, 2006, the *San Francisco Chronicle* published an article entitled  
19 “U.S. Moves to Quash Privacy Suit Against AT&T.” A true and correct copy of the article  
20 is attached hereto as Exhibit C.

21           5.       On May 16, 2006, the *San Francisco Chronicle* published an article entitled  
22 “U.S. Opens Assault on Wiretap Suit - AT&T Is Accused of Aiding Surveillance.” A true  
23 and correct copy of the article is attached hereto as Exhibit D.

24           6.       On May 17, 2006, the *San Francisco Chronicle* published an article entitled  
25 “AT&T Loses Bid for a Closed Court - At Issue Are Papers the Company Calls Trade  
26 Secrets.” A true and correct copy of the article is attached hereto as Exhibit E.

27           7.       On May 17, 2006, the *San Francisco Chronicle* published an article entitled  
28 “AT&T Documents to Stay Sealed.” A true and correct copy of the article is attached

1 hereto as Exhibit F.

2           8.       On May 17, 2006, *USA Today* published an article entitled "Judge Issues  
3 Split Decision in AT&T Privacy Lawsuit." A true and correct copy of the article is  
4 attached hereto as Exhibit G.

5           9.       On May 17, 2006, *USA Today* published an article from the Associated Press  
6     entitled "Judge Seals Documents in NSA Spying Suit." A true and correct copy of the  
7     article is attached hereto as Exhibit H.

I declare under penalty of perjury that the foregoing is true and correct.

9                   Executed on June 2, 2006, at San Francisco, California.

10 \_\_\_\_\_ /s/ Bruce A. Ericson  
11 Bruce A. Ericson

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